

## **Title 30: Professions and Occupations**

### **Part 1001: Rules and Regulations of the Mississippi Board of Registration for Foresters**

#### **MISSISSIPPI BOARD OF REGISTRATION FOR FORESTERS**

##### **Rules and Regulations of Procedure**

(As of February 17, 2014)

##### **TABLE OF CONTENTS**

<b>Chapter:</b>	<b>Page No.</b>
<b>1.0</b> Organization, Purpose and Operation of the Board.....	2
<b>2.0</b> Definitions.....	8
<b>3.0</b> Applications for Registration.....	8
<b>4.0</b> Examinations.....	9
<b>5.0</b> Fees.....	10
<b>6.0</b> Licensing .....	10
<b>7.0</b> Renewals.....	11
<b>8.0</b> Continuing Forestry Education Requirements.....	11
<b>9.0</b> Exemptions to Continuing Forestry Education Requirements .....	12
<b>10.0</b> Expired Licenses.....	13
<b>11.0</b> Reciprocity.....	13
<b>12.0</b> Complaint Procedure .....	14
<b>13.0</b> Hearings Procedure .....	15
<b>14.0</b> Code of Ethics.....	16

#### **Foreword**

These Rules and Regulations shall be binding upon every person holding a Registered Foresters license and on all persons, firms, partnerships or corporations, or other legal entities that practice forestry in the State of Mississippi. Each licensee is charged with having knowledge of the existence of the Rules and Regulations and the Code of Ethics and shall be deemed to be familiar with its several provisions and to understand them. No person may practice forestry in Mississippi without first being registered or licensed to do so. Any person who offers to practice forestry in the State without first being registered and licensed to do so must cease and desist immediately until such time that person meets the requirements of the Laws of Mississippi, these Rules and Regulations, and the Code of Ethics. A Registered Forester will not be allowed to Sponsor an unlicensed individual to practice forestry in the State of Mississippi. It is the understanding and position of the Board of Registration for Foresters, based upon the Law, these Rules and Regulations, and the Code of Ethics, that no individual offers to perform work or offers services free of charge and/or without some form of compensation whether direct or indirect, and therefore offering services without compensation is not a legitimate exemption for the practice of forestry by an unlicensed or a licensed individual.

## **Chapter 1: Organization, purpose, and operation of the Board**

**Rule 1.1 Purpose** - The Mississippi State Board of Registration for Foresters was created to benefit and protect the public and the forest resources of the State by regulating the practice of forestry and requiring that persons practicing or offering to practice forestry be lawfully registered to do so. No person may practice forestry in Mississippi without first being registered or licensed to do so. A Registered Forester will not be allowed to Sponsor an unlicensed individual to practice forestry in the State of Mississippi. It is the understanding and position of the Board of Registration for Foresters, based upon the Law, these Rules and Regulations, and the Code of Ethics, that no individual offers to perform work or offers services free of charge and/or without some form of compensation whether direct or indirect, and therefore offering services without compensation is not a legitimate exemption for the practice of forestry by an unlicensed or a licensed individual.

Source: *Miss. Code Ann.* §73-36-05, 73-36-07, 73-36-09

**Rule 1.2 Authorization to achieve the purpose** - Current Mississippi Law provides a means for achieving the purpose through:

1. The establishment of minimum qualifications for being a Registered Forester;
2. Authorizing power to adopt and amend all Rules and Regulations of procedure necessary for the proper performance of the Board's duties;
3. Granting further power and authority to protect the public and the forest resources of the State from the attempts of incompetent and/or unscrupulous persons to practice forestry, through provisions which enable effective disciplinary actions.

Source: *Miss. Code Ann.* §73-36-15

**Rule 1.3 Composition and appointment of Board Members; Term of Office** - The Board is composed of seven (7) members appointed by the Governor with the advice and consent of the Senate. One (1) member shall be appointed from each of the six (6) forestry commission districts as constituted on January 1, 1999, and one (1) member shall be appointed at large. The State Forester of Mississippi shall serve as an ex officio member of the board. Each of the members shall be a forester within the meaning of this chapter with at least five (5) years' experience in such field, and a resident and citizen of the State of Mississippi at the time of his appointment. Each appointment shall be for a term of five (5) years.

Source: *Miss. Code Ann.* §73-36-09; 73-36-11

**Rule 1.5 Summary Description of Organization and Operation** - The Board is an agency of the State of Mississippi. All costs of operation of the Board, including administrative, secretarial, clerical, investigative, equipment purchases and office rental, are paid from fees collected by the Board and authorized by annual appropriation by the Legislature. The Board may employ those persons required, qualified and authorized, including full or part-time, necessary to perform the administration of the Laws of the State and those rules regulating the practice of forestry. The

Board shall not expend in any fiscal year more monies than the amount of fees collected as hereinafter provided. All fees hereinafter provide shall be paid to the Executive Secretary of the Board and said Executive Secretary shall deposit all monies received under this chapter in the State Treasury.

Source: *Miss. Code Ann.* §73-36-17

**Rule 1.6 Election and Duties of Officers, Seal; Quorum** – Each year the board shall elect one (1) of its members as chairman, one (1) vice chairman who will also be the chairman-elect, and one (1) secretary, and each shall perform the usual duties of such offices. The board may adopt an official seal. Four (4) members of the Board shall constitute a quorum, and a majority vote of those present at any meeting shall be necessary for the adoption of any order proposed or the disposition of other business coming before said Board.

Duties of Officers are:

**1. Chairman** - The Chairman shall be the executive officer of the Board. When present he shall preside at all meetings. He shall appoint such committees as the Board may authorize from time to time. He shall cast one vote on all roll calls. He shall sign all certificates, the Annual Report to the Governor, and all other official documents. He shall, in the absence of a Secretary or Executive Secretary, sign checks. He shall perform all other duties usually pertaining to the office of Chairman and permitted by Law.

**2. Vice-Chairman** - The Vice-Chairman, in the absence of the Chairman, shall perform the duties delegated to the Chairman except that only the Chairman shall sign certificates, checks and the Annual Report to the Governor.

**3. Secretary** - The Secretary shall record the minutes of each board meeting and conduct correspondence in the name of the Board except that performed by the Chairman and that delegated to the Executive Secretary. The Secretary shall perform those other duties as prescribed by the statute.

Source: *Miss. Code Ann.* §73-36-13

**Rule 1.9 Vacancies** - Any vacancy occurring in the membership of the Board shall be filled by the Governor for the unexpired term. The Governor shall have the right, upon the approval of a majority of the board, to remove any members of the board for inefficiency, neglect of duty or dishonorable conduct.

If, for any reason, a vacancy shall occur in the Board, the Chairman and the Secretary shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term, in accordance with the provisions of the Law. If the vacancy shall occur in the office of the Chairman, the Vice-Chairman and the Secretary shall prepare the notice to the Governor. Such notice shall designate which appointed position is vacant and furnish a list of recommended appointees to the Governor from which the appointee may be selected.

If a vacancy occurs in any office, or if any officer becomes incapacitated, the Board will elect a new officer in a regular meeting to fill the remaining portion of the term.

Source: *Miss. Code Ann.* §73-36-13

**Rule 1.10 Surety Bonds** - The Secretary of the Board shall furnish a surety bond in an penal sum of Five Thousand Dollars (\$5,000.00) with a surety company authorized to do business in the State, said Bond to be conditioned for the faithful performance of his duties, and the fee therefore to be paid by the Board.

Source: *Miss. Code Ann.* §73-36-17

**Rule 1.11 Compensation and Expenses of Board Members** - Board Members shall receive per diem compensation as authorized by Section 25-3-69, and shall be reimbursed for such other expenses at the same rate and under the same conditions as provided for public officers and employees in Section 25-3-41 for days actually spent in the performance of their duties attending to the work of the Board or any of its committees, and additionally shall be reimbursed for actual expenses incurred in the performance of their duties. The rates paid shall be in accordance with applicable Law.

Payment for per diem, travel and other expenses incurred by the Board and employees of the Board shall be authorized and approved by the Chairman and Executive Secretary, in accordance with applicable Law.

Source: *Miss. Code Ann.* §73-36-17

**Rule 1.11 Operating Fund; Expenses and Income of the Board** – The Board shall pay for all expenses incurred, including but not limited to, clerical, legal, administrative, investigative, and any other expenses incurred and shall not expend more monies than the amount of fees collected as hereinafter provided. All fees collected shall be paid to the Executive Secretary of the Boards and shall be deposited in the State Treasury to be kept in a special fund known as the “State Board of Registered Foresters Fund” and shall be used for the administration of this chapter. Said funds shall not lapse at the end of each year. Should the expenses of the Board begin to consistently exceed the collections of the Board, the Board shall increase licensure fees and other fees to self-sustain the Board’s operations in a professional manner.

Source: *Miss. Code Ann.* §73-36-17

**Rule 1.12 Executive Secretary** - The Board shall hire an Executive Secretary who shall be responsible for the administration of Board Policy and for the processing of its routine operations and is designated as agent for the Board for service of legal process upon the Board. The duties of the Executive Secretary shall be as determined by the Board.

1. The Executive Secretary shall sign and/or countersign checks with the Secretary of the Board.
2. As an executive officer, the Executive Secretary shall serve at the pleasure of the Board. In the absence of an Executive Secretary, the Chairman and Secretary shall assume the duties of the Executive Secretary, as necessary.
3. All correspondence to the Board, including requests for information and all submissions and other requests should be addressed to the Executive Secretary at the Board's office as

follows:

Executive Secretary  
Mississippi State Board of Registration for Foresters  
P.O. Box 1884  
Jackson, Mississippi 39201

***Rule 1.13 Powers and Duties of the Board; Adoption of Rules and Regulations*** – The State Board of Registration for Foresters shall have the following powers and duties:

1. To adopt Rules and Regulations governing the holding of its meetings, hearings, applications for licenses and any and all other duties provided by this chapter.
2. To establish and promulgate standards of practice and a code of ethics for registered forester and provide for the enforcement thereof.
3. To establish minimum requirements for professional continuing education.
4. To maintain a biennial roster of registered foresters showing the names, business addresses, and such other information as the Board may deem necessary, which will be available to the general public through its website.
5. To issue, suspend, or revoke licenses and to take all actions necessary to prevent the practice of forestry by unlicensed persons.

At any hearing of the Board, any member may administer oaths to witnesses appearing before the Board. If any person shall refuse to testify or to produce any books, papers or documents, the Board may present its petition to any court of competent jurisdiction within the State setting forth the facts, and then the court, in a proper case, may issue its subpoena to the person requiring his attendance before the court and to testify or to produce such books, papers, and documents as may be deemed necessary and pertinent thereto. Any person failing or refusing to obey the subpoena of the court may be proceeded against in the same manner as for refusal to obey any other subpoena of the court.

The Board shall keep a record of its proceedings and a register of all applications for registration. The register shall show the name, age and residence of each applicant, the date of the application and the Board's action on the application and any other information as may be deemed necessary by the Board. The Board shall submit an annual report to the Governor and a report to the regular session of the Legislature. The report to the Legislature shall include a financial statement of the transactions of the Board during the year.

Source: *Miss. Code Ann.* §73-36-19

***Rule 1.14 Regular Meetings and Attendance***

1. The Board shall schedule at least two regular meetings each year and other such meetings as the Chairman may find necessary. The Board Chairman will make an effort to coordinate meetings with the majority of board members work schedules. Notice of the time and place of the meetings of the Board shall be provided to each member of the Board at least five (5) days before the meeting and shall be posted as provided by the Rules and Regulations of the Board at least five (5) days before the meeting.

2. Board members shall attend all regular or special meetings unless prevented from doing so by reason of court order, subpoena, and business with a court which has the sole prerogative of setting the date of such business, the death of a family member, or illness of the Board member or the member's immediate family. An absence for any other reason constitutes an unexcused absence.
3. No Board member may be absent from three consecutive meetings or be absent from more than three meetings during a single fiscal year unless the absence is excused for one of the reasons stated in subsection 2a of this rule. In the event a Board member has three consecutive unexcused absences or has unexcused absences for more than three meetings during a fiscal year, the Board shall petition the Governor to remove said member and to appoint a successor.
  - a. "Family" consists of immediate family, nieces, nephews, aunts, uncles, cousins, and in-laws.
  - b. "Immediate family" consists of spouse, children, parents, parents-in-Law, siblings, grandchildren, and grandparents.
4. Special meetings may be held as needed or as called by any officer or a quorum of the Board.

Source: *Miss. Code Ann.* §73-36-15

***Rule 1.16 Notice of Meeting***

1. The last item of business at each meeting will be to agree upon and schedule the dates and place of the next meeting. Each member shall be mailed or emailed a written notice to his/her address of record at least ten days prior to the date of the meeting by the Executive Secretary.

Source: *Miss. Code Ann.* §73-36-15

***Rule 1.17 Order of Business*** - The order of business at all regular and special meetings shall normally be at the pleasure of the Board Chairman. All Board members and the Executive Secretary should be contacted to determine if they have any issues to bring before the Board.

***Rule 1.19 Robert's Rules of Order, Revised*** shall govern the proceedings of the Board except as otherwise provided herein or by statute.

***Rule 1.20 Open Meetings*** - In compliance with Open Meeting Laws of the State of Mississippi, members of the general public are welcome to attend meetings of the Board. The Board has adopted the following rules of conduct for members of the general public attending meetings of the Board.

1. Members of the public must register with the Executive Secretary a minimum of Ten (10) working days prior to the meeting they wish to attend. Organized groups must have one (1) spokesperson.
2. Upon request, an individual or a spokesperson will be allowed to address the Board. Speaking time is limited to 10 minutes, unless extended by the presiding officer.
3. When the Board votes to go into Executive Session, all members of the general public

- must leave the meeting room; they will be advised when they may re-enter.
4. Members of the general public will behave in a calm, professional manner.
  5. Failure to comply with these rules will be grounds for dismissal from the meeting.
  6. If members of the public require special provisions accommodating a qualifying temporary or permanent disability in order to attend a Board meeting, a written request identifying the disability and accommodations needed must be submitted to the Executive Secretary 30 days before the meeting. If this request is not submitted in advance, the availability of on-site accommodations is not guaranteed.

Source: *Miss. Code Ann.*

**Rule 1.21 - Procedures For Inspections/Copying of Public Records**

All non-exempt public records used, prepared, possessed or retained by this Board in the performance of its function as a public body will be made available to any person for the purpose of inspection, copying or mechanical reproduction of same in accordance with the Mississippi Public Records Act of 1983 and the following procedures as duly adopted by this Board.

**Contact:** Board of Registration for Foresters  
Attn: Requests for Public Records  
P.O. Box 1884  
Jackson, MS 39215-1884

**General Procedure:**

1. Submit request in writing with clear, concise description of record desired; include any pertinent information - dates, names, and full concise description
2. The Board will respond to such request no later than fourteen (14) government workdays from the date of the receipt of the request.
3. The Board will determine validity of request. Denials will be recorded along with reasons for denial and kept on file for three (3) years. Requesters will be notified by mail.
4. Non-exempt information requests will be made available to requesting party if possible. Third party information of a confidential nature covered under the Federal Privacy Act will not be supplied until the third party is given notice of request and is given ample time to obtain court order protecting the information as confidential, or as authorized by law. All such production of records shall be accomplished with a minimum of disruption of the on-going business of the Board and its employees.
5. Fees: The cost, to be pre-paid by the requesting party, for the mechanical reproduction of records will be calculated on the basis of fifty (50) cents per copy, with a minimum fee set at \$15.00.
6. The cost of labor to be pre-paid by the requesting party for the search, review and mechanical reproduction of records will be the actual cost to the Board.
7. No copies of records will not be released to the requesting party until full payment in advance has been made hereunder.
8. The Board or its employees reserve the right to postpone copying or mechanically reproducing any records pending receipt of satisfactory prepayment covering the above-mentioned labor, reproduction and/or postage costs.

## **Chapter 2: DEFINITIONS**

As used in this chapter the following words and phrases shall include the meanings ascribed in this section unless the context clearly requires a different meaning.

1. The term "Person" means a natural person.
2. The term "forester" means a person who, by reason of his knowledge of the natural sciences, mathematics, economics and the principles of forestry, and by his demonstrated skills acquired through professional forestry education as set forth in Section 73-36-21, is qualified to engage in the practice of forestry and who also has been duly registered and holds a current valid license issued by the board.
3. The term "registered forester" means a person who has been registered and licensed pursuant to this chapter.
4. The term "Practice of forestry" means any professional forestry service, including but not limited to consultation, investigation, evaluation, valuation, planning, recommending silvicultural or harvesting practices or responsible supervision of any forestry activities in connection with any public or private lands wherein the public welfare and property are concerned or involved when such professional services require the application of forestry principles, knowledge and data.
5. The term "board" means the State Board of Registration for Foresters.

**Sources:** *Miss. Code Ann.* §73-13-15 - Laws, 1977, ch. 475, § 2; reenacted, 1983, ch. 326, § 2; Laws, 1989, ch. 383, § 1; reenacted, 1991, ch. 330, § 2; reenacted without change, Laws, 1999, ch. 445, § 1; reenacted without change, Laws, 2004, ch. 416, § 2, eff from and after July 1, 2004.

## **Chapter 3: APPLICATIONS**

**Rule 3.1 Eligibility for Licensure:** Any person who has a bachelor's degree or higher from a university or college of forestry in a curriculum in forestry acceptable to the Board and found by the Board to be substantially equivalent to curricula in schools accredited by the Society of American Foresters is eligible to make application for licensure as a registered forester.

**Sources:** *Miss. Code Ann.* §73-36-21

### **Rule 3.2 Application for Registration:**

1. All applications for licensure shall be made on a printed form provided by the Board. Where space on the form does not permit an applicant to present his record of experience or practice, the applicant may provide supplementary sheets of white paper 8 1/2 x 11 inches in size. Such additional sheets shall be typed on one side only and shall be signed and dated. Applications must be clearly typewritten in black suitable for copy machines.
2. All questions must be answered, except as otherwise specified.
3. An application not properly completed, not containing all of the required information, or not accompanied by the required fee will be returned with a statement of the reason for return.



4. Your Transcript or Diploma from graduating college must accompany application.
5. Applications shall be subscribed and sworn to before a Notary Public or other persons qualified to administer oath. Applications of students who take the examination while enrolled at Mississippi State University may be signed by the Dean or the Dean's authorized representative.
6. The conditions set out in the application shall be construed to be a part of the Rules and Regulations.
7. Five (5) reference forms provided by the Board must be completed. Three (3) of the five (5) must be completed by registered foresters. A reference form for students only was adopted by the board on September 26, 1996, requiring just signature of five forestry professors. All reference information will be kept confidential.

Source: *Miss. Code Ann.* §73-36-23

#### **Chapter 4: Examinations**

1. All applicants for forester registration are required to take a written examination. The primary location for administering the examination will be the Mississippi Board of Registration for Foresters Office in Jackson, Mississippi. Other locations may be approved by the Board. The Board will post examination dates on the Board's website and provide applicants with the time and place of the examination.
2. ***Compliance with Examination Policies and Procedures.*** Applicants shall abide by the examination administrator's policies and procedures. An applicant who does not fully comply with the examination administrator's requirements may, in addition to any action by the Board, be subject to dismissal from the remainder of the examination.
3. Applicants may use any desired reference material while taking the examination but there can be no talking or discussion with others. All electronic devices and telephones are to be left outside of the examination area.
4. An applicant may be dismissed from the examination and subject to disciplinary or other Board action for conduct including, but not limited to:
  - (a) Cheating on the examination;
  - (b) Giving assistance to, or receiving assistance from, another person;
  - (c) Compromising the integrity of the examination;
  - (d) Disruptive or abusive behavior;
  - (e) Participating in any form of violation of exam policies or procedures during an examination.
5. ***Consequences of Noncompliant Conduct with Examination Policies and Procedures.*** Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination may also be a cause for action by the Board. An applicant who does not fully comply with the exam administrator's policies and procedures during and after an examination will be subject to having their exam results invalidated and being prohibited from taking

- the examination for a period of time as determined by the Board.
6. **Pending, Approved and Endorsement Applications for Noncompliant Applicants.** Any application for licensure pending or approved for examination may be denied and evaluated or re-evaluated pursuant to Board rules. Any licensure examination taken and passed in another state while barred from taking an examination in Mississippi will not be acceptable for licensure purposes in Mississippi.
  7. The examination will consist of one hundred true/false or multiple choice questions.
  8. Applicants will have a maximum of three (3) hours to complete the examination.
  9. Applicants must correctly answer at least 70 questions in order to become a Registered Forester.
  10. Examinations will be administered by the Board's Executive Secretary and/or Board Members or by an individual approved by the Board.
  11. Examination results will be supplied by first class mail to the address of record for each applicant within thirty days of the date of examination.
  12. Applicants will be allowed to examine completed and graded examination at the domicile of the Board under the supervision of the Board's authorized representative within thirty days after receiving notification of the examination results. After that time completed and graded examinations will be destroyed.

**Source:** *Miss. Code Ann.* §73-36-19; 73-36-23; 73-36-25

#### **Chapter 5: Fees**

1. **Application Fee:** An Application Fee of Fifty (\$50.00) Dollars must accompany the Application For Licensure As A Registered Forester. Successful applicants will be charged no more fees until the next renewal period. If an applicant fails the examination, this Application Fee will allow the applicant to take the examination a second time at the expiration of six (6) months but within twelve (12) months of the date of the first attempt. All new registrants must renew their licenses at the same time as all other registered foresters.
2. **Renewal Fee:** The renewal fee for registered foresters who are Mississippi residents is Forty (\$40.00) Dollars for each two year period that expires on December 31 of odd numbered years. For any renewals received at the Board Office after December 31, the fee for renewal will be eighty (\$80.00); if received after March 1, the license will be revoked.
3. **Reciprocity Fee:** The fee for obtaining a license through reciprocity shall be the same a Mississippi residence is charge for a reciprocity license in the state of the applicant. If there is no registration law in the applicants state, the fee for licensure will be an application fee plus the fee for a Mississippi applicant.

**Source:** *Miss. Code Ann.* §73-36-23; 73-36-29; 73-36-31

#### **Chapter 6: Licensing:**

1. Upon successful completion of an examination, applicant will be issued a license

and corresponding number. The board shall issue a properly authenticated, serially numbered license upon payment of the registration fee to any applicant who in the opinion of the board has satisfactorily met all the requirements of this chapter and the rules and regulations of the board duly adopted under this chapter. The issuance of a license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered forester while the license remains unrevoked or unexpired.

2. Registered foresters will receive a Certificate of Registration and a wallet-sized identification card.

**Source:** *Miss. Code Ann. §73-36-27*

#### **Chapter 7: Renewals:**

1. Except as provided in Section 33-1-39, all registered forester licenses shall expire after December 31 of odd numbered years and shall become invalid after that date unless renewed.
2. The Executive Secretary of the Board shall mail or email a notice to every person registered notifying the person of the date of the expiration of his license and the amount of fee required for its renewal for two (2) years which is currently \$40.00. The notice shall be mailed or emailed to the latest known address, according to the Board's records, at or near October 1 of the expiration year. **It is the responsibility of the registered forester to keep the Board informed of any address change.**
3. The responsibility for the annual renewal of a licensee's certificate rests solely with the individual licensee. Failure to receive a notice does not relieve a licensee from the duty of renewal of his certificate. Returning renewal fees in a timely manner is the responsibility of the licensee. Returning renewal's in last thirty (30) days of the renewal period will likely delay the update being accomplished in a timely matter due to the number of licenses to process.
4. Registrants failing to renew their license postmarked on or before December 31 shall be required to pay a fee twice the amount of the renewal fee which would currently be \$80.00.
5. Registrants failing to renew their license postmarked prior to March 1, following the December 31 expiration, will have their license revoked and must re-apply for licensure in order to practice forestry in Mississippi.
6. Continuing Forestry Education (CFE) is to be documented on the Application for Renewal but the supporting CFE paperwork is not to be mailed with the Application for Renewal. To insure that Continuing Forestry Education (CFE) work is accomplished and reported accurately, the Board will randomly audit renewal applications. Those whose application is chosen for audit will be requested to supply a complete description of the course-work with certificates that verify their participation. Any person unable to furnish proper certificates will have their license suspended or revoked dependent up the circumstances of the matter and the decision of the Board.

**Source:** *Miss. Code Ann. §73-36-29*

## **Chapter 8: Continuing Forestry Education (CFE) Requirements:**

1. The total of Categories A and B must equal sixteen (16) hours with, at least, six (6) hours of Category A of which one must be in Ethics.
2. The Board reserves the right to audit any CFE Certifications and to disapprove any session it finds unacceptable. Therefore, it is recommended that registrants contact the Board and submit the course work to the CFE Review Committee for prior approval before taking the class. The registrant should send in as much detail as possible on the questionable course. (Agenda with topic, times with breaks, instructors, contact people and telephone numbers, etc.) Two to three weeks should be allowed for a reply.

### **Category A: Minimum Number of Hours - Six (6)**

Description: Professionally organized course-work, Seminars, short courses, workshops, and technical sessions which may enhance a forester's professional development.

#### **Sessions which qualify for Category A**

- a. Any session qualifying for category one of the Society of American Forester's Continuing Education program.
- b. Programs with forestry content presented at a meetings of forestry organizations such as the Mississippi Forestry Association (MFA), County Forestry Associations (CFA), Society of American Foresters (SAF), American Pulpwood Association (APA), Association of Consulting Foresters (ACF) etc. (Attending business meetings qualifies for Category B)
- c. **Required: One (1) hour credit is required every renewal period in Ethics. (1999)**
- d. Forestry courses taught by forestry extension and forestry colleges or universities.
- e. Video and correspondent classes may be accepted for credit if both of these requirements are met: (1) An examination is given and recorded and (2) Participant receive a certificate of completion. (8-2002)
- f. Forestry training sessions presented by employers, routine business meetings, first aid, CPR, driver education, etc. are not included in Category A without prior review by the CFE Review Committee of the Board.
- g. **Credit Hours:** One hour for each contact hour of course-work, three hours of tour or field sessions equal one contact hour.
- h. **Limitation:** Minimum number of hours is six, no maximum number of hours.

**Category B: Description:** Participation in forestry-related meetings or committees, holding elected or appointed office in forestry organizations. Preparing and publishing forestry publications or other job enhancing activities.

#### **Credit Hours:**

Holding an Office or Committee Chairmanship	5 hours
Active Committee Member	2 hours
Preparing and Publishing Technical Forestry Articles	15 hours
Preparing a Newspaper or Magazine Article	5 hours
Self-improvement study (technical forestry subject)	1 hour/hour of study

**Limitations:** No minimum or maximum; but total of Categories A and B must equal sixteen hours with, at least, six hours of Category A. (The Board reserves the right to

audit any CFE Certifications.

**Chapter 9: Exemptions to Continuing Forestry Education (CFE) Requirements:**

1. A licensee may be exempt from the Continuing Forestry Education requirements for one of the following reasons:
  - a. A licensee 65 years or older
  - b. Full-times college students
  - c. A licensee who is in active duty in the military
  - d. A licensee who received their license since last renewal period
  - e. Anyone approved by the Board suffering sickness or hardship

**Chapter 10: Expired Licenses:**

1. Any license not renewed before the expiration date of December 31 of odd numbered years, shall be invalid and the person practicing forestry with an invalid license shall be in violation of the Forester's Registration Law of 1977. After sixty (60) days, any delinquent license shall be revoked for non-renewal. It may be reinstated anytime within the next two (2) years, but only by a hearing before the Board. If the Board deems a renewal is justified, they may reinstate the license. Fees due and CFE credit will be required. If the request for renewal is denied or if the license has been expired for more than two (2) years, the person making the requests will be required to reapply as a new applicant, pay a registration fee and pass an examination.
2. Upon approval of the renewal application by the Board, the licensee will be mailed a current identification card.

**Chapter 11: Reciprocity**

In order to receive a reciprocity forestry license in Mississippi, the applicant must meet the following conditions:

1. The applicant must have a four (4) year Forestry degree or grater from a SAF accredited forestry school or a forestry curriculum approved by the Mississippi Board of Registration for Foresters. A copy of the applicants diploma and/or transcript must accompany the Application For Licensure.
2. The applicant must have successfully passed a written examination essentially equal to the Mississippi Board of Registration for Foresters examination, administered by the original granting state that has a current Reciprocity Agreement with Mississippi.
3. The applicant must be a non-resident of the State of Mississippi and have a personal and/or business residence that is outside the political boundaries of Mississippi.
4. The applicant must provide evidence of licensure with a state that has a current reciprocity agreement with Mississippi.
5. Upon approval of licensure, the applicant will be issued a Mississippi reciprocal license and must satisfy all Mississippi licensing and renewal requirements in the future license renewal periods. The license from the original license granting state must be maintained and will be required for continuance of the Mississippi license.

**Source:** *Miss. Code Ann.* §73-36-21; 73-36-23; 73-36-25; 73-36-27; 73-36-29; 73-36-31

## ***Chapter 12: Procedure for Handling Complaints***

The following policies and procedures shall control complaints, denied licenses, and hearings of the Mississippi Board of Registration for Foresters (BORF).

### **Policies:**

1. The BORF will receive only written complaints or charges against a Registered Forester or any person practicing forestry without a license. All charges shall be made on forms prescribed by the Board, which are available from the Board. The information required includes the name and address of the Complainant and the Respondent, a concise statement of the complaint or charges with facts supporting the allegation that a violation has occurred. The Complaint must be signed and notarized.
2. When a properly submitted complaint is received at the Board's Jackson office, the date of its receipt shall be noted on the Complaint. A letter shall be sent to the Complainant acknowledging receipt of the complaint. A copy of the complaint shall be sent to the Chairman of the Complaint Committee (COCC) and the Chairman of the Board. A decision will be made as to the validity of the complaint and whether the evidence constitutes specific violation of the Law, Board Regulations and Policies, or Code of Ethics, and whether to proceed.
3. If the COCC and the Chairman of the Board both agree that no action should be taken on the complaint, said decision shall be noted in the file, and reasonable effort shall be made to notify the Complainant. The Complainant may re-submit the complaint with additional information for reconsideration. Any re-submitted complaint shall be handled in the same manner as the first complaint.
4. Where it is deemed there is sufficient evidence of a violation of the Law, Board Rules and Policies, or Code of Ethics, the Respondent and the Complainant will be notified. Copies of the Complaint shall be mailed to the Board members and the COCC shall make reasonable effort to poll each Board member as to whether to proceed further. If the number of members contacted constitutes a quorum and a majority of those favor further action, then the Board shall proceed by notifying the Respondent in writing of the allegations and of an opportunity to appear before the Board and respond to the allegations at least ten (10) days prior to said meeting of the Board.
5. At the conclusion of hearing the facts presented to the Board, the Board shall determine what, if any, action is needed and may conduct additional investigation. The Board may dismiss the complaint or advise the alleged offender in writing to cease and desist practicing forestry without a license and/or recommend the steps necessary to achieve compliance with the law. If the Board receives a subsequent complaint that the offender is not complying with the Board's decision or if the Board has reason to believe that the offender is not or will not comply, the Board may immediately turn the case over to the appropriate authorities for possible prosecution.
6. Hearings and proceedings' will be designed to give the accused the right to be heard in a fair and impartial hearing.
7. The Chairman or Senior Board Member present, will be the presiding officer and will rule on all objections and motions, subject to the Board's approval. The Board's attorney from the Attorney General of the State of Mississippi will be present at the discretion of the Board.

8. The Board is not bound by strict rules of evidence and shall admit all relevant materials into evidence, except evidence that is unduly repetitious.
9. All hearings are open to the public. However, public members may not participate nor be present for Executive Sessions.

10. The Chairman will subpoena all witnesses for the Board or the Respondent when requested.
11. The Complainant and Respondent have the right to appear either personally, by Counsel, or both, to produce witnesses, cross-examine witnesses and have subpoenas issued by the Board.
12. If either party fails to appear at the hearing, such party shall be deemed to have had the right to an oral hearing in proceeding, unless the absence is justified with good cause being shown.
13. All Board Members at the hearing have an obligation to actively participate and contribute to all proceedings.
14. All Board decisions will be made in Executive Session.
15. A copy of this Board Policy and Procedures will be supplied to the Complainant and Respondent along with the notification of the hearing.
16. The decision of the Board to suspend or revoke the license of the Registered Forester or to deny the issuance of a license or to cease and desist by a non-licensed individual shall be based on substantial evidence.
17. Any applicant denied a license for any reason shall at the applicant's request be given a hearing before the Board with such hearing being conducted at a regular Board meeting.

***Chapter 13: Procedure for Handling Hearings:***

1. The Board Meeting will be called to order by the Chairman.
2. The Chairman will request that the Respondent be called and that a copy of the letter of notification containing charges be distributed to Board Members present.
3. The Respondent will be informed that the hearing is being recorded and then will be asked to state name, address and registration number.
4. If the Respondent is represented by Counsel, his name and address is entered into the record at this time.
5. The Chairman will ask that the charges be read and entered into the record.
6. All evidence presented throughout the hearing will be reviewed by the Board and entered into the record.
7. Before going into the merits of the cause, evidence should be placed into the record showing Respondent was properly notified of the charges.
8. The Respondent is then asked to respond to the charges.
9. Board Witness(s):  
The Board Counsel or Board may have witnesses called for the Board and Board Counsel or the Board shall conduct the direct examination of the witness.
  - a. At the conclusion of the Board's examination, the Respondent or Respondent Counsel may cross-examine the witness.
  - b. At the conclusion of the witness' testimony, the witness will be excused but subject to recall by the Board, the witness may not leave the building. If the witnesses are not subject to recall, they may leave.
10. Respondent Witness (s):
  - a. The Respondent may call his witness(s) after the Board has rested its case. The Respondent or his Counsel will conduct the direct examination.
  - b. Where Board Counsel is present, the Board Members may question the witness(s) at the conclusion of direct examination by the Board Counsel.



- c. The witness will be excused as in 9b above.
11. The Board may then call rebuttal witnesses following the procedure outlines in 9 above.
12. The Respondent and/or his Counsel may make closing arguments if desired.
13. After all response has been presented by both sides, the Respondent and his representatives are dismissed and the Board goes into Executive Session to consider all evidence presented and make a final decision or ruling.
14. The Board should, first make the finding of fact upon each charge. They should determine, based upon evidence submitted, whether or not they find the Respondent did or did not commit each act as charged.
15. The Chairman of the Board may make recommendations to the Board as to what penalty, if any, should be adjudged in the case.
16. The Board should then determine what disciplinary actions should be taken in the matter.
17. Following the Executive Session, the Respondent may or may not be informed of the Board's decision however, the action is always reduced to writing in the form of a Board Action and a certified true copy forwarded to the Respondent. Notification should include the findings of fact in addition to the penalty adjudged by the Board.

#### ***Chapter 14: Code of Ethics for the Registered Forester***

1. I will strive to be accurate in my knowledge of forestry and will disseminate this knowledge and speak out against the spreading of false or misleading statements concerning forestry.
2. I will advise only in a worthy and truthful manner, refraining from misleading or exaggerated statements concerning what I am prepared to perform.
3. When participating in a public or private fact-finding session, I will base my testimony on adequate knowledge of the subject, and will not withhold data in order to substantiate my point of view.
4. I will perform services of only the highest standards and with complete loyalty to my employer or client and will not voluntarily disclose information about the business affairs of my employer or client which the employer desired to keep confidential.
5. I will provide only the services for which I am qualified by experience or education, and, in practice, will not agree to deviate from accepted professional standards without first advising the employer or client of the expected consequences.
6. I will not obligate myself to a potential employer or client where I have a business interest which might influence their judgment concerning the activity I am expected to carry out.
7. I will not accept compensation for the same service from more than one employer or client without full disclosure and consent of all parties concerned.
8. I will engage or recommend other experts and specialists in forestry or related fields whenever my employer or client will be best served by such action, and will work cooperatively with them.
9. I will aid the Board in keeping persons, unqualified because of lack of good moral character or inadequate training, from being registered.

10. If I have evidence of violation of any of these canons by any Registered Forester, I will present the information to the State Board of Registration for Foresters.
11. I will obligate myself, without reservation, to utilize all of my forestry knowledge and experience for the use, benefit, and betterment of my fellow man and his environment.